

<b>Applicant</b>	Lauderdale Marine Center	
<b>Request</b>	Rezone CR (Commercial Recreation) to B-1 Boulevard Business	
<b>Location</b>	2001 S.W. 20 Street As shown on the attached location map as <b>Exhibit 1</b> .	
<b>Legal Description</b>	Acreage in Sec 16-50-42	
<b>Property Size</b>	64,860 sq. ft. or 1.489 acres	
<b>Zoning</b>	CR	
<b>Existing Land Use</b>	Vacant	
<b>Future Land Use Designation</b>	Commercial	
<b>Comprehensive Plan Consistency</b>	<b>Consistent</b> with the following: Objective 24: Continue to protect and enhance marine uses as a recognized resource of the City. Policy 24.1 Protect marine resources as employment generators and economic resources of the City by reviewing all projects on waterway to gauge their potential impact on marine uses. <b>Inconsistent</b> with the following: Policy 19.5: Limit intensity of commercial development adjacent to residential neighborhoods through ULDR controls including height and floor area ratio limitations and buffering requirements. Objective 20: Protect residential neighborhoods from impacts created by adjacent non-residential uses.	
<b>Other Required Approvals</b>	City Commission	
<b>Applicable ULDR Sections</b>	47-24.4 Rezoning	
<b>Notification Requirements</b>	Sign Notice and Mail Notice	
<b>Action Required</b>	Approve, Approve with Conditions, or Deny	
<b>Project Planner</b>  <b>Authorized By</b>  <b>Approved By</b>	<b>Name and Title</b>	<b>Initials</b>
	Kevin Erwin, Planner I	
	Chris Barton, AICP, RLA, Principal Planner	
	Bruce Chatterton, AICP, Planning and Zoning Manager	

**Request:**

This is a request to rezone 1.489 acres of unplatted land from CR (Commercial Recreation) to B-1 (Boulevard Business) in accordance with ULDR Sec 47-24.4, Rezoning. In a separate application, (PZ Case 13-R-03), the applicant is proposing to construct a dry boat storage area, a marina use, on the subject site. The existing CR zoning district would permit such marina uses as a conditional use, however the applicant proposes to proceed with the rezoning request. The setbacks in the CR district are 30' when contiguous to residential property; in the B-1 district the setbacks are 10' when contiguous to residential property.

**Property/Project Description:**

The applicant, Lauderdale Marine Center, is proposing to rezone a portion, but not all of their property that is zoned CR to B-1. The remaining land owned by the applicant, and zoned CR, will be less than one acre and will need to be rezoned before it can be used for any purpose, as the remaining portion will not meet the minimum lot size for the CR zoning district.

The B-1 zoning district permits an array of uses (see attached **Exhibit 2**), any of which could be proposed should this requested rezoning be approved.

This site is adjacent to residentially zoned property to the south and east. The following table indicates the zoning pattern around the subject site:

Direction	Zoning	Land Use
North, Owned by the applicant	B-3	Commercial
South, Owned by the applicant	RD-15	Medium-High Residential
East, Owned by the applicant	CR and RD-15	Medium-High Residential
West, Fronting on I-95	T	Transportation

**Comprehensive Plan Consistency:**

This application is **consistent** with the following objectives and policies of the Future Land Use Element:

Objective 24: Continue to protect and enhance marine uses as a recognized resource of the City.

Policy 24.1: Protect marine resources as employment generators and economic resources of the City by reviewing all projects on waterway to gauge their potential impact on marine uses.

This application is **inconsistent** with the following objectives and policies of the Future Land Use Element:

Policy 19.5: Limit intensity of commercial development adjacent to residential neighborhoods through ULDR controls including height and floor area ratio limitations and buffering requirements.

Objective 20: Protect residential neighborhoods from impacts created by

**Staff Determination:**

Staff has determined that this application does not meet the criteria for rezoning as set forth in ULDR Sec 47-24.4

The **applicant states** that the application meets the criteria for rezoning as follows:

**47-24.4.D.1, The zoning district proposed is consistent with the city's comprehensive plan.**

The proposed rezoning is consistent with the Future Land Use Element of the City of Fort Lauderdale's Comprehensive Plan. Specifically, the current zoning is Commercial Recreation (CR) with a Commercial land use designation. LMC has determined that the most appropriate zoning for the property is the B-1 zoning district. ULDR sec. 47-6.11 lists the permitted and conditional uses for the B-1 zoning district which allows boats, watercraft and marinas and includes marine parts and supplies store, sail making, watercraft repair and watercraft sales and rental, and therefore, is entirely consistent with the current land use designation of the property.

Under the Future Land Use Plan Element of the City's Comprehensive Plan, areas designated Commercial are intended to provide business, retail, services, office and other commercial enterprises (including warehouse, storage, light manufacturing or fabricating uses) which support the resident and tourist populations of the City and create employment opportunities.

Also, the proposed rezoning will not have an adverse environmental impact on the vicinity. LMC's proposal will, therefore, promote improved environmental conditions, as it will implement an appropriate balance between residential and commercial uses. The proposed rezoning will not adversely affect the health, safety and welfare of the neighborhood or City. As discussed above, the neighboring properties are already utilized for similar uses.

*Staff has concluded that the request is consistent with the comprehensive plan.*

**47-24.4.D.2 Substantial changes in the character of development in or near the area under consideration supports the proposed rezoning.**

There are no substantial changes being proposed within this development. The proposed rezoning is entirely compatible with the surrounding uses and there is no request for a land use change.

*Staff disagrees and finds that while there have been substantial changes in the marina's development, the character of the residential areas of the larger neighborhood has not changed.*

**47-24.4.D.3 The character of the area proposed is suitable for the uses permitted in the proposed zoning district and is compatible with surrounding districts and uses.**

The property is suitable for the use in question because of its location within the vicinity of other similar types of uses. LMC's proposed expansion is compatible with the adjacent land uses and there is no request for a land use change. Furthermore, due to the fact that LMC only proposes to construct an expansion of an existing use, the property can amply support the proposed use.

*Staff disagrees with the applicant's assessment that the proposed rezoning is compatible with the surrounding districts and uses. The B-1 zoning category allows a number of uses that if introduced within the subject property would be incompatible with the surrounding residential area. Many uses permitted in B-1, such as a grocery store or automobile service station, have the potential to increase the traffic and business related activity.*

In summary, staff finds the current zoning of CR to be the appropriate zone for this site.

**Planning & Zoning Board Review Options:**

1. If the Planning and Zoning Board determines that the application meets the criteria as provided in this section, the Planning and Zoning Board shall recommend that the rezoning be approved or recommend a rezoning to a more restrictive zoning district than that requested in the application if necessary to ensure compliance with the criteria for the rezoning and if consented to by the applicant.
2. If the Planning and Zoning Board determines that the application does not meet the criteria provided for rezoning or if the applicant does not consent to a more restrictive zoning district, the Planning and Zoning Board shall deny the application and an appeal to the City Commission may be filed by the applicant in accordance with Section 47-26B, Appeals.

PZ Case 5-Z-03

July 16, 2003

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